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26 *Attorneys for Plaintiff and the Proposed Class*

27 UNITED STATES DISTRICT COURT
28 NORTHERN DISTRICT OF CALIFORNIA
SAN JOSE DIVISION

AFFINITY CREDIT UNION,

Plaintiff,

v.

APPLE INC., a California corporation,

Defendant.

Case No. 4:22-cv-04174-JSW

**NOTICE OF INTENT TO AMEND
COMPLAINT**

1 Plaintiff Affinity Credit Union (“Affinity”) hereby provides notice of its intent to amend its
 2 Complaint pursuant to Federal Rule of Civil Procedure 15(a)(1)(B).

3 Apple moved to dismiss the Complaint on October 7, 2022, and the parties stipulated to
 4 extend Affinity’s opposition deadline from October 21, 2022 to November 18, 2022 (ECF No. 15).
 5 Pursuant to Rule 15(a)(1)(B), Affinity has until October 28, 2022 to amend its Complaint as a matter
 6 of course, and Affinity intends to file an Amended Complaint on or before that date. The Amended
 7 Complaint will supersede the original and moot Apple’s motion to dismiss, such that no response to
 8 the motion is required. *See Ramirez v. Cnty. of San Bernardino*, 806 F.3d 1002, 1008 (9th Cir.
 9 2015). In this posture, Affinity does not believe there is any need for the Court to so-order the
 10 parties’ stipulation extending Affinity’s opposition deadline, and Affinity is not requesting such
 11 action at this time. Pursuant to Rule 15(a)(3), Apple will have fourteen (14) days to respond to
 12 Affinity’s Amended Complaint.

13
 14 DATED: October 21, 2022

HAGENS BERMAN SOBOL SHAPIRO LLP

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